THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO.7979 of 2006

Dated 20-04-2006

Between:

G. Vijay Kumar and another.

..Petitioners

AND

The Panchayat Secretary, Lingampet Gram Panchayat,

Nizamabad District and five others.

..Respondents.

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O R D E R:

The apprehension of the petitioners appears to be that the respondents 1 and 2, without following the procedure and conducting the survey, may handover possession of the land in question to the respondents 3 to 6 on the ground of alleged encroachment by the petitioners, for which the petitioners also made a representation on 17-04-2006 seeking to conduct resurvey and demarcation of the land by paying the necessary fee.

Even assuming that if the petitioners are found to be the encroachers during the course of survey/inspection by the revenue

officials while fixing the boundaries and demarcating the land, the persons, who claim that the petitioners are the encroachers, should seek necessary relief either by way of filing a civil suit for recovery of possession or, if they are assignees of the land in question, for delivery of the possession before the appropriate authorities. Therefore, the present writ petition on mere apprehension that the respondents 1 and 2 will not follow the necessary procedure is liable to be dismissed.

Accordingly the writ petition is dismissed. No costs.

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A. GOPAL REDDY, J

Dated 20-04-2006

ghn